

**ZB# 04-62**

**Anthony Fayo**

**56-1-18**

ZBA # **04-62** ANTHONY FAYO - AREA  
308 BULL RD. - GARAGE (56-1-18)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
Granted 9-27-04



# **Town of New Windsor**

**555 Union Avenue**

**New Windsor, New York 12553**

**Telephone: (845) 563-4615**

**Fax: (845) 563-4695**

## **OFFICE OF THE ZONING BOARD OF APPEALS**

December 16, 2004

Anthony Fayo  
308 Bull Road  
Washingtonville, NY 10992

**SUBJECT: REQUEST FOR VARIANCE #04-62**

Dear Mr. Fayo:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 56-1-18

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**ANTHONY FAYO**

**AREA**

CASE #04-62

**WHEREAS, Anthony Fayo**, owner(s) of 308 Bull Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an variance of Section 300-11 A(3) (Accessory structure to project closer to the road than principal building) at 308 Bull Road in an R-1 Zone (56-1-18)

**WHEREAS**, a public hearing was held on September 27, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The applicant seeks to construct a garage on the property to service the existing single-family residence.
  - (c) Because of the configuration of the property, the garage can only properly and safely be located in the front of the property.

- (d) The garage will not be placed on top of, nor will it interfere with, any easements including, but not limited to, water, sewer and electric.
- (e) Although the applicant will remove approximately three trees in erecting the garage, the removal will not have an impact upon the visual or other conditions of the neighborhood; nor will it have an impact on the environment.
- (f) The garage will not create the ponding or collection of water or divert the flow of water drainage.
- (g) The garage itself will not be higher than other buildings in the area.
- (h) Although the garage will be supplied with electric power, it will not be used for rented space or apartment space and will be used by the applicant of the one-family residence for the use of that resident.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

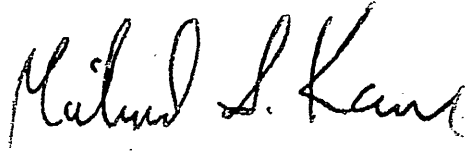
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a variance of Section 300-11 A(3) (Accessory structure to project closer to the road than principal building) at 308 Bull Road in an R-1 Zone (56-1-18) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: September 27, 2004

A handwritten signature in cursive script, reading "Michael S. Kane". The signature is written in dark ink and is positioned above a horizontal line.

---

Chairman

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: 8/2/04

APPLICANT: Anthony & Colleen Fayo  
308 Bull Road  
Washingtonville NY, 10992

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 7/30/04

FOR : Proposed Garage

LOCATED AT: 308 Bull Road

ZONE: Sec/Blk/ Lot: **56-1-18**

DESCRIPTION OF EXISTING SITE:

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1.300-11 Yards.

No Accessory Building Shall project nearer to the street than the principal building.

  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1      USE: 300-11 A(3) Bulk Tables: Page 300:8

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

**04-62**



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JUL 30 2004

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2004-1054

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises ANTHONY FAYO

Address 308 BULL RD Phone # (845) 629-8022

Mailing Address 308 BULL RD WASHINGTONVILLE N.Y. 10992 Fax # (845) 497-3529

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of BULL RD  
(N, S, E or W)  
and 15 feet from the intersection of SHAW RD
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_
3. Tax Map Description: Section 56 Block 1 Lot 15
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front 65 Rear 65 Depth 55 Height 12 No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: GARAGE Number of dwelling units on each floor \_\_\_\_\_
- Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \$12000

Fee \$50-  
CH 1546

ZONING BOARD

**PAID**

OK'd to go

7 1 25 109  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Kryshear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

*Anthony J. ...*

(Owner's Signature)

(Address of Applicant)

308 BULLOCK WASHINGTONVILLE N.Y. 10992

(Owner's Address)

NOTE:

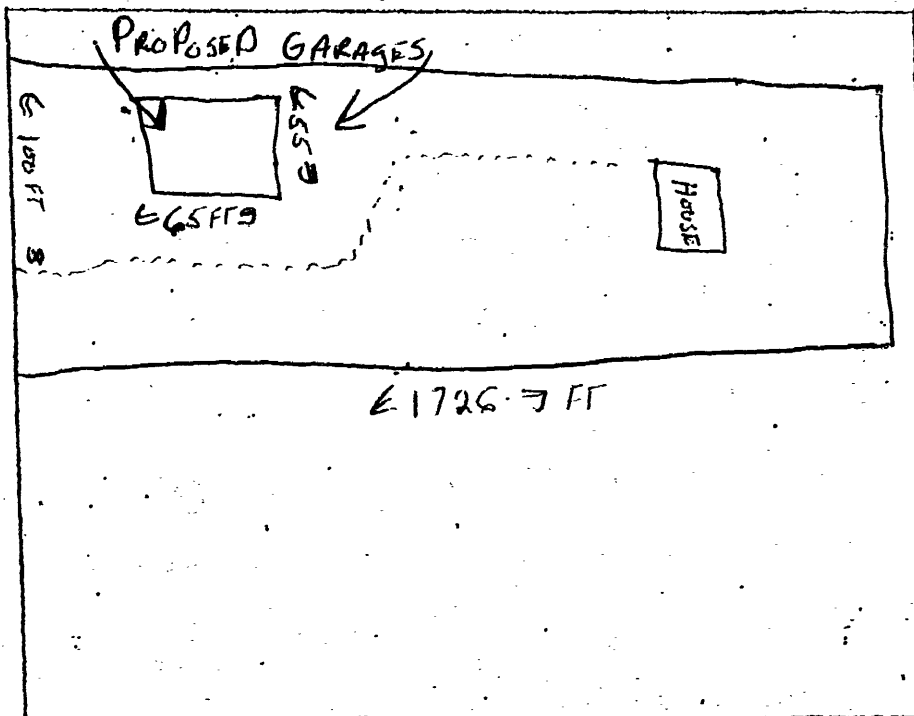
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

SHAW RD

308

N

BULL RD



W

E

S

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

[illegible]











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**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: OCTOBER 18, 2004**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 191.50 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-62**

**NAME & ADDRESS:**

**Anthony Fayo  
308 Bull Road  
Washingtonville, NY 10992**

**THANK YOU,**

**MYRA**

**L.R.10-18-04**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-62      TYPE: AREA

APPLICANT Name & Address:

**Anthony Fayo  
308 Bull Road  
Washingtonville, NY 10992**

TELEPHONE:    497-3529

RESIDENTIAL:	\$ 50.00	CHECK # <u>1564</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:            RESIDENTIAL \$300.00            CHECK # 1565

~~~~~

| <u>DISBURSEMENTS:</u>        |                | <u>MINUTES</u><br><u>\$5.50 / PAGE</u> | <u>ATTORNEY</u><br><u>FEE</u> |
|------------------------------|----------------|----------------------------------------|-------------------------------|
| PRELIMINARY:                 | <u>3</u> PAGES | \$ <u>16.50</u>                        | \$ <u>35.00</u>               |
| 2 <sup>ND</sup> PRELIMINARY: | ____ PAGES     | \$ _____                               | \$ _____                      |
| PUBLIC HEARING:              | <u>4</u> PAGES | \$ <u>22.00</u>                        | \$ <u>35.00</u>               |
| PUBLIC HEARING:              | ____ PAGES     | \$ _____                               | \$ _____                      |

TOTAL:                    \$ 38.50            \$ 70.00

~~~~~

ESCROW POSTED:            \$ 300.00  
LESS: DISBURSEMENTS:    \$ 108.50

AMOUNT DUE:              \$ \_\_\_\_\_

REFUND DUE:                \$ 191.50

Cc:

ANTHONY FAYO (04-62):

MR. REIS: We'll open up the preliminary meeting. First on our agenda tonight, Anthony Fayo.

MR. FAYO: I want to put a garage up. It would be in the front of my primary residence.

MR. REIS: Speak loud enough so the stenographer can hear you.

MR. FAYO: I want to put a garage up, but it's going to be in front of my primary building, so I need a variance.

MR. REIS: Mr. Fayo, is there a place on your property that you could put this without necessitating a variance?

MR. FAYO: No. I brought a tax map. My current house sits here. Back here is wet. Through here is all wetlands as you can see. So this is the only place I really got. Up through here is all wet.

MR. KRIEGER: It's a long narrow --

MR. FAYO: Long narrow piece.

MR. KRIEGER: -- piece of property?

MR. FAYO: Back here is wet. The only

dry piece is up front.

MR. KRIEGER: The only access is in front of the house, which is halfway down the property from the road on which it enters. This dotted line here, is this a driveway?

MR. FAYO: That's my existing driveway to my residence, yes. That's my residence.

MR. KRIEGER: Where do you want to put the garage?

MR. FAYO: I really have no choice. I have to put it up here due to the D.E.C. wetlands and then the wetlands back here.

MR. KRIEGER: Up here would be about how far from the road?

MR. FAYO: I measured off only about 250 feet before it starts off the road.

MR. KRIEGER: From the road. And how far back is the house?

MR. FAYO: My house sits about 1,200 feet off the road.

MR. REIS: Let's pass this around so the folks can see this.

MR. FAYO: Sure.

MR. KRIEGER: When you say long and

narrow, how wide is the property?

MR. FAYO: Mine is 100. And about 1,700 feet.

MR. KRIEGER: About 1,700 feet long and 100 feet wide?

MR. FAYO: Yes.

MR. MINUTA: How far back from the road is it going to be?

MR. FAYO: Looking about 250 feet probably put it somewhere here sitting behind the existing homes. My current residence is over here. But this is all wetlands, buffer zones, stream. And it's wetlands back here. So I really can't address it any other place except for that.

MR. MINUTA: I'm familiar with that.

MR. REIS: May I make a disclosure?

MR. FAYO: My current residence is up here, the garage is about 250 feet off the road. Here is all wetlands. Even in the back here is a stream. It kind of leaves me --

MR. RIVERA: The only place you can put it?

MR. FAYO: Yes, it does. I got some tractors, I got a boat. I got a boat I'm looking to buy.

MR. KRIEGER: How big a garage?

MR. FAYO: I'm looking at probably like 50 by 40 at the most. That will be probably the biggest. The actual size will make it probably somewhere around 30 to 42 feet. I'm just over in case I decide to go big, but I doubt it at all.

MR. MINUTA: Anthony, this is a residential garage?

MR. FAYO: Yes, not commercial garage, no. I brought some pictures that I highlighted what it might look like. I haven't exactly picked the one I want yet.

MR. MINUTA: Okay.

MR. REIS: Just for the record, I'd like to disclose the fact that myself and my company have done business with Mr. Fayó in the past and currently, and consequently I'm going to recuse myself from this proceeding, from voting in this proceeding.

MR. MINUTA: Likewise. I'm not going

to recuse myself, but I'm familiar with the applicant. It in no way affects my vote.

MR. REIS: Any other questions, Joe?

MR. MINUTA: No.

MR. REIS: Kathy?

MS. LOCEY: I have no questions.

MR. RIVERA: Cutting down any trees substantially?

MR. FAYO: Small stuff. Ten inch at most. In the pictures I gave you there's really just small stuff there. The biggest thing I got is like ten inch. Probably I'm going to say maybe 10 to a dozen at most that might have to come down.

MR. MINUTA: Anthony, two questions, one with regard to the trees, the other with regard to the height. The height of the building will be?

MR. FAYO: I don't see it being more than 12 feet.

MR. MINUTA: Then the trees, I'm not sure how this would apply here, but in the zoning code anything over 8 inches needs to be noted.



MR. FAYO: What do you mean noted?

MR. MINUTA: Noted bulk diameter that's being taken down because that's considered substantial.

MR. FAYO: So I should measure it and give you guys an idea how many is out there, is that what you are saying?

MR. MINUTA: For the initial proceedings.

MR. FAYO: Sure, not a problem.

MR. REIS: Anthony, you're not going to go over any easements or right-a-ways to accomplish this?

MR. FAYO: No.

MR. REIS: You would not be causing any water accumulation or runoffs on your neighbors?

MR. FAYO: No. It will all go back to my wetlands area and my big stream.

MR. REIS: Any other thoughts, questions? Accept a motion?

MR. RIVERA: Accept a motion, Mr. Chairman?

MR. REIS: Please.

August 23, 2004

9

MR. RIVERA: Accept Mr. Anthony Fayo for the requested variance of Section 300-11 to place a structure close to the road and the principal building at 308 Bull Road in an R-1 zone.

MR. MINUTA: Second.

ROLL CALL:

MS. GANN: Yes.

MS. LOCEY: Yes.

MR. RIVERA: Yes.

MR. MINUTA: Yes.

(Mr. Reis abstains.)

PUBLIC HEARINGS:

ANTHONY FAYO (04-62)

MR. KANE: Request for variance of Section 300-11 A(3) accessory structure to project closer to the road than principal building at 308 Bull Road in an R-1 zone.

Mr. Anthony Fayó appeared before the board for this proposal.

MR. KANE: Go ahead, Anthony.

MR. FAYO: How are you today, Mr. Chairman?

MR. KANE: Fine. Tell us what you want to do, sir.

MR. FAYO: I'd like to get, build a garage, it's going to be further because of the type of property that I own, it's long and narrow, my house sits back about 1,200 feet and there's a small dry portion up front which comes off the road, 200, 300 feet that's dry then we go to some wetlands to the stream and then back to my house which is sitting on another piece of the property so it needs to be, leaves me very limited places to put the building.

MR. KANE: So in your opinion that's the safest and only place that you can put it?

MR. FAYO: Pretty much. I have an attached map.

MR. KANE: Any easements in that specific area?

MR. FAYO: No.

MR. KANE: Cutting down any trees or substantial vegetation in the building of it?

MR. FAYO: Probably three trees.

MR. KANE: Will you be creating any water hazards or runoffs with the building of this?

MR. FAYO: No.

MR. KANE: The height of the garage itself is going to be higher than other buildings in the area?

MR. FAYO: No, it would not be.

MR. KANE: Power to the garage?

MR. FAYO: Yes, there will be power to the garage.

MR. KANE: Same meter that's on the home?

MR. FAYO: No, it will be separate, well, the house is so far back that's why.

MR. KANE: And you have, with a separate meter, you have no intention of using this as any kind of a rented space or apartment space, strictly used as a one family home garage?

MR. FAYO: Right, storage for my antiques, tractors, boat, truck.

MR. KRIEGER: It's a one-family house and it will always be a one-family house?

MR. FAYO: Yes. And it's a garage and will always be a garage.

MR. KANE: I'll ask if anybody's here for this particular hearing? Nobody here, nobody cares. We'll open and close the public portion of the meeting and ask Myra how many mailings.

MS. MASON: On September 9, I mailed out 18 addressed

envelopes and had no response.

MR. KANE: We'll bring it back to the board.

MR. REIS: Mr. Chairman, I'd like to recuse myself from this hearing, I do work with Anthony Fayo and company.

MR. KANE: Not a problem. Thanks, Mike. You okay, Steve?

MR. RIVERA: I'd like to disclose that I am affiliated with Reis but I am in no way affiliated with any transactions with Mr. Fayo.

MR. KANE: Any other questions?

MR. MC DONALD: I'll make the motion that we grant the variance for Mr. Fayo for his accessory structure to project closer to the road than the principle building 308 Bull Road.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	ABSTAIN
MR. KANE	AYE



Sept. 27, 2004

ZBA # 04-62  
P.B.# \_\_\_\_\_

## PROXY

**NEGATIVE DEC:** M)\_\_\_\_\_S)\_\_\_\_\_ **VOTE:** A\_\_\_\_ N\_\_\_\_

CARRIED: Y\_\_\_N\_\_\_

CARRIED: Y\_\_\_\_N\_\_\_\_

GANN \_\_\_\_\_  
LOCEY \_\_\_\_\_  
RIVERA \_\_\_\_\_  
MCDONALD \_\_\_\_\_ CARRIED: Y\_\_\_\_\_N\_\_\_\_\_  
REIS \_\_\_\_\_  
MINUTA \_\_\_\_\_  
KANE \_\_\_\_\_

**SCHEDULE PUBLIC HEARING:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**VARIANCE APPROVED:** M) MC S) RV VOTE: A 3 N 0

Recused

**CARRIED: Y ☒ N**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

.....X

**ANTHONY FAYO**

# AFFIDAVIT OF SERVICE BY MAIL

#04-62

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

**MYRA L. MASON, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 9TH day of **SEPTEMBER**, 2004, I compared the **18** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

9<sup>th</sup> day of September, 2004

Charge & Confused

**Notary Public**

**CHERYL L. CANFIELD**  
Notary Public, State of New York  
Qualified in Orange County  
#01CA6073319  
Commission Expires April 22, 2006

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 04-62**

**Request of ANTHONY FAYO**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for variance of Section 300-11 A(3) (Accessory structure to project closer to the road than principal building) at 308 Bull Road in an R-1 Zone (S6-1-18)**

**PUBLIC HEARING will take place on SEPTEMBER 27, 2004**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

  
\_\_\_\_\_  
**Michael Kane, Chairman**



**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 08-20-04

FOR: ESCROW 04-62

FROM: FAYO & SON EXCAVATING, LLC

308 BULL ROAD


WASHINGTONVILLE, NY 10992

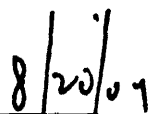
CHECK NUMBER: 1565

TELEPHONE: 497-3529

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

  
\_\_\_\_\_  
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA #04-62  
Application fee

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#863-2004**

08/20/2004

Fayo & Son Excavating

Received \$ 50.00 for Zoning Board Fees, on 08/20/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

August 23, 2004

Anthony Fayo  
308 Bull Road  
Washingtonville, NY 10992

Re: 56-1-18 ZBA#: 04-62

Dear Mr. Fayo:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

52-1-68  
Kahn, Bernard & Rosemarie  
14 Oak Hill Drive  
Rock Tavern, NY 12575

52-1-71  
Ridgeway, Kathleen  
15 Oak Hill Drive  
Rock Tavern, NY 12575

53-2-14  
Houlihan, Edward & Debra  
314 Bull Road  
Washingtonville, NY 10992

55-1-53.21  
Beneducci, Joseph & Marie  
6 Hampshire Drive  
Washingtonville, NY 10992

56-1-10  
Saltini, Peter & Flora  
c/o Noreen Ligotti  
357 Pin Oak Lane  
Westbury, NY 11590

56-1-15  
Ciabotti, Ruth  
Huston, Gary & Edmund  
296 Bull Road  
Washingtonville, NY 10992

52-1-69  
Lester, Gilbert Jr. & Deborah  
P.O. Box 4249  
New Windsor, NY 12553

53-2-2.3  
Laurencell, Donald & Arlene  
312 Bull Road  
Rock Tavern, NY 12575

53-3-4  
Vitale, Norman & Kimberly  
3 Shaw Road  
Rock Tavern, NY 12575

55-1-53.24  
DeFreese, Margaret  
301 Bull Road  
Washingtonville, NY 10992

56-1-13  
Molfetas, Veronica  
c/o George Miller & Sons  
24 Sands Station Road  
P.O. Box 845  
Middletown, NY 10940

56-1-16  
Perrone, Barbara  
Giannico, Susan  
300 Bull Road  
Washingtonville, NY 10992

52-1-70  
Donker, Myle III  
17 Oak Hill Drive  
Rock Tavern, NY 12575

53-2-2.4  
Didonato, Fred & Grace  
310 Bull Road  
Rock Tavern, NY 12575

55-1-53.1  
Migliorini, Joseph & Deborah  
305 Bull Road  
Washingtonville, NY 10992

55-1-55.2  
Lyll, John  
289 Bull Road  
Washingtonville, NY 10992

56-1-14  
DeFreese, Rueben Samuel  
DeFreese, Deborah A  
292 Bull Road  
Washingtonville, NY 10992

56-1-17  
Acierno, Gennaro & Antonietta  
304 Bull Road  
Washingtonville, NY 10992



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

September 9, 2004

Anthony Fayo  
308 Bull Road  
Washingtonville, NY 10992

SUBJECT: REQUEST FOR VARIANCE #04-62

Dear Mr. Fayo:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

308 Bull Road  
Washingtonville, NY

is scheduled for the September 27, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm



RESULTS OF Z.B.A. MEETING OF:

August 23, 2004

PROJECT:

Anthony Jayo

ZBA #

P.B.#

USE VARIANCE:

NEED: EAF

PROXY



LEAD AGENCY: M) S) VOTE: A N

GANN

LOCEY

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

GANN

LOCEY

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN

LOCEY

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN

LOCEY

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) Rv S) MW

VOTE: A N

GANN

LOCEY

RIVERA

~~MCDONALD~~

REIS

MINUTA

~~KANE~~

CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

GANN

LOCEY

RIVERA

MC DONALD

REIS

MINUTA

KANE

CARRIED: Y N

Make copies of Survey & return to Anthony

Measure trees over 8" and let us know the number

**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

DATE: 08-20-2004 PROJECT NUMBER: ZBA# 04-62 P.B. # \_\_\_\_\_

APPLICANT NAME: ANTHONY FAYO

PERSON TO NOTIFY TO PICK UP LIST:

ANTHONY FAYO  
308 BULL ROAD  
WASHINGTONVILLE, NY

TELEPHONE: 497-3529 (CELL) 629-8022

TAX MAP NUMBER: SEC. 56 BLOCK 1 LOT 18  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: 308 BULL ROAD  
WASHINGTONVILLE, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1566

TOTAL CHARGES: \_\_\_\_\_

**04-62**



# **Town of New Windsor**

**555 Union Avenue**  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## **ZONING BOARD OF APPEALS**

August 20, 2004

Anthony Fayo  
308 Bull Road  
Washingtonville, NY 10992

**SUBJECT: REQUEST FOR VARIANCE #04-62**

Dear Anthony:

This letter is to inform you that you have been placed on the August 23, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

308 Bull Road  
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO  
IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

\*

**ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

  
SIGNATURE

9/13/09  
DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.

PAGE 2

COMPLETE THIS PAGE ☐



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

5/13/04

Date

Application Type: Use Variance ☐ Area Variance ☐

Sign Variance ☐ Interpretation ☐

CELL (845) 624-5022

I. **Owner Information:**

ANTHONY FAYO

(Name)

Phone Number: (845) 497-3529

Fax Number: (845) 497-3529

308 BULL RD WASHINGTONVILLE N.Y. 10992

(Address)

II. **Applicant:**

(Name)

Phone Number: ( )

Fax Number: ( )

(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )

Fax Number: ( )

(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:**

Phone Number ( )

Fax Number: ( )

(Name)

(Address)

V. **Property Information:**

Zone: Property Address in Question: 308 BULL RD

Lot Size: 100 X 1550 Tax Map Number: Section 56 Block 1 Lot 18

a. What other zones lie within 500 feet?

b. Is pending sale or lease subject to ZBA approval of this Application? NO

c. When was property purchased by present owner? YES

d. Has property been subdivided previously? NO If so, When:

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector?

f. Is there any outside storage at the property now or is any proposed?

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

VARIANCE NEEDED FOR GARAGE  
FOR STORAGE NEEDED FOR MOTOR HOME BOAT  
AND TRACTORS ANTIQUE

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**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT ~~THREE (3)~~ SETS OF Four (4) THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

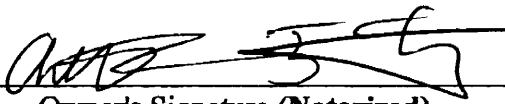
) SS.:

COUNTY OF ORANGE )

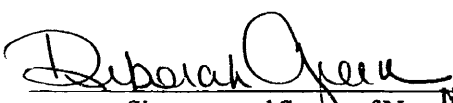
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

17<sup>th</sup> day of August 2004.

  
Owner's Signature (Notarized)

\_\_\_\_\_  
Owner's Name (Please Print)

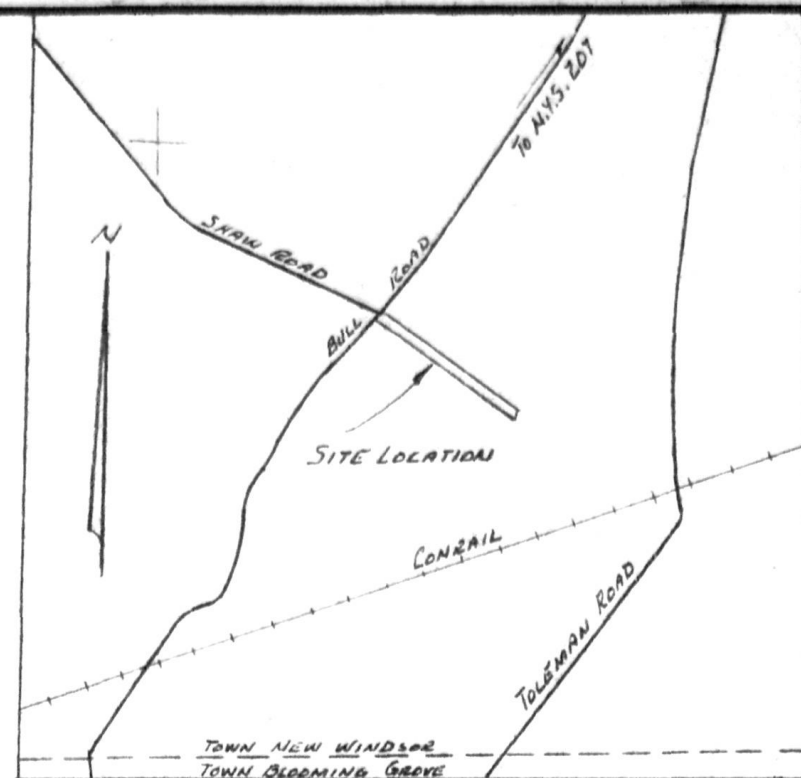
  
Signature and Stamp of Notary  
DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2007

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐



- NOTES:**
- 1) Unauthorized alterations or additions to this map is a violation of section 7209(2) of the New York State education law.
  - 2) Copies of this map not having the original ink or embossed seal of the Land Surveyor shall not be valid.
  - 3) Guarantees or certification are not transferable to additional institutions or subsequent owners.
  - 4) Subject to grants, easements and right-of-ways of record, if any.
  - 5) Not responsible for utilities on, over or under the lands and not visible at time of survey.
  - 6) Deed Reference: Vito Martuscello, Liber 1335-Page 6
  - 7) Surveyed in accordance with Deeds and maps of record and physical features found at the time of survey.
  - 8) Tax Map Design: Sec. 56- Bk. 1- Lot 18.
  - 9) U Indicates upland inclusion.

**NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION**

The freshwater wetland boundary as represented on these plans accurately depicts the limits of Freshwater Wetland MA-26 as delineated by NYSDEC on 3/19/96.

DEC Staff: \_\_\_\_\_ Surveyor/Engineer: ANTHONY D. VALDINA, PLS  
 Date: \_\_\_\_\_ SEAL Anthony D. Valdina

Wetland boundary as validated by DEC remains valid for three years from date of flagging or revalidation. For official use of the wetland boundary after this three year period, the boundary must be revalidated by DEC staff. This may include re-flagging and survey of the wetland boundary if changes are noted. Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

- 10) 100 year flood plain scaled from map titled Flood Insurance Rate Map, Town of New Windsor, Orange County, N.Y., effective date 15 Dec. 1978. U.S. Department of Housing and Urban Development.

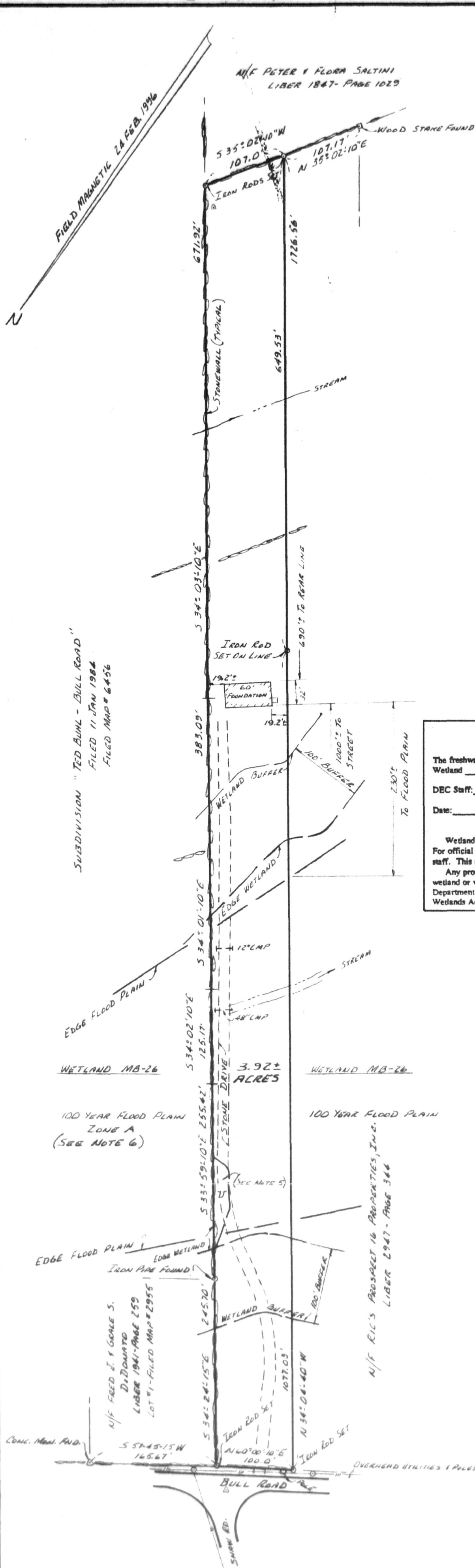
SURVEY MAP FOR

**ANTHONY E. & COLLEEN A. FAYO**

TOWN OF NEW WINDSOR · ORANGE Co. · NEW YORK

SCALE: 1" = 100'

DATE: 25 MAR. 1996  
 REV.: 10 DEC. 1996



Certified to, Anthony E. Fayo; Colleen A. Fayo; Vito Martuscello; Old Republic National Title Insurance Company; and, MSB Bank; its successors and/or assigns, from field surveys made on 24 Feb. and 23 Mar. 1996, and foundation located on 5 Dec. 1996

*Anthony D. Valdina*

Job No: 96-7

**Anthony D. Valdina, PLS**  
 Land Surveyor  
 4 Pleasant View Ave.  
 Newburgh, New York 12550  
 (914) 561-8367  
 N.Y.S. LIC. NO. - 049120